

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6231-01
Bill No.: HB 1992
Subject: Alcohol; Motor Vehicles; Crimes and Punishment; Drunk Driving / Boating
Type: Original
Date: May 2, 2012

Bill Summary: This proposal creates the offense of refusing to submit to a chemical test when a law enforcement officer requests submission to a chemical test for blood alcohol content.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

RS:LR:OD

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation, Department of Public Safety - Missouri Highway Patrol, Office of Prosecution Services** and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of refusing to submit to a chemical test as requested by a law enforcement officer - a new Class B misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Revenue (DOR)** state Section 577.023 would have an administrative impact on their agency by requiring the following:

- Procedures;
- Department's web site; and
- AIR (Form 2389).
 - Print 160,000 new forms
 - Replace the current supply of the forms in central stores - 28,800.
 - Mail 131,200 copies of the updated forms to 656 law enforcement agencies (200 forms each).

It also requires training of staff.

Update web page - Administrative Analyst III - 10 hrs @ \$22 =	\$220
Update forms - Management Analysis Spec I - 40 hrs @ \$20 =	\$800
Update procedures - Management Analysis Spec I - 40 hrs @ \$20 =	<u>\$800</u>
Total =	\$1,820

ASSUMPTION (continued)

Cost for revising/printing AIR - 160,000 @ \$0.04 =	\$6,400
Cost for envelopes - 656 @ \$0.12 =	\$79
Cost for postage - 656 @ \$5.48 =	<u>\$3,595</u>
Total =	\$10,074

In summary, DOR assumes a cost of \$11,894 (\$1,820 + \$10,074) to the General Revenue Fund to administer this proposal.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

Officials from the **Department of Corrections (DOC)** state offenders created in this proposal would be subject to a graduated scale of punishment when priors exist, similar to the DWI penalties. The probability exists that offenders could be charged with a similar but more serious offense or that sentences may run concurrent to one another. The penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to a class A felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY11 average of \$16.878 per offender, per day, or an annual cost of \$6,160 per inmate) or through supervision provided by the Board of Probation and Parole (FY11 average of \$5.03 per offender, per day or an annual cost of \$1,836 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
Supervision / Incarceration of offenders of this proposal	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal specifies that a person commits the offense of refusing to submit to a chemical test for blood alcohol content when he or she refuses to submit to a law enforcement officer's request for a chemical test or fails to take the action necessary to properly complete any requested chemical test. The offense is a class B misdemeanor, except if the person has been found guilty of one intoxication-related traffic offense, it is a class A misdemeanor; two intoxication-related traffic offenses, it is a class D felony; three intoxication-related offenses, it is a class C felony; or four intoxication-related offenses, it is a class B felony.

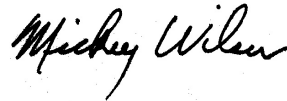
The bill revises the definition of "intoxication-related traffic offense" to include the offense of refusing to submit to a chemical test.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

RS:LR:OD

SOURCES OF INFORMATION

Department of Public Safety
Department of Transportation
Department of Revenue
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
May 2, 2012